

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Victor P. Kearney,

No. 17-12274-t11

Debtor.

**ORDER APPROVING DISCLOSURE STATEMENT AND SETTING DEADLINES,
AND NOTICE OF FINAL HEARING ON PLAN CONFIRMATION**

On November 7, 2018, the Unsecured Creditors' Committee filed a Second Amended Chapter 11 Plan, doc. 536 ("Plan") and a proposed Third Amended Chapter 11 Disclosure Statement, doc. 537 ("Disclosure Statement"). The Court, having determined that the Disclosure Statement contains adequate information, HEREBY ORDERS:

1. Disclosure Statement Approved. The Disclosure Statement entered by the Court on November 13, 2018, doc. 551, is approved.
2. Mailing the Plan, Disclosure Statement, etc. By November 16, 2018, the UCC's attorney shall mail copies of the following, enclosed in a package in the following order:
 - i. A cover sheet in the form attached hereto as Exhibit A;
 - ii. This order and notice;
 - iii. A letter soliciting votes in favor of the Plan;
 - iv. The Plan;
 - v. The Disclosure Statement;
 - vi. A ballot in the form attached hereto as Exhibit B; and
 - vii. A plan preference form in the form attached hereto as Exhibit C,

to debtor and all creditors, equity security holders, and other parties in interest, as provided in Fed. R. Bankr. P. 3017(d), using a Court-supplied updated mailing matrix. Within five days after mailing, Debtor's attorney shall file a certification of mailing.

3. Objection/Voting Deadline. December 18, 2018, is fixed as the last day for filing and serving objections to confirmation of the plan, and for mailing completed ballots and plan preference forms to the Clerk of Court. Ballots must be hand-delivered, postmarked, or given to an overnight courier service by the deadline.

4. Tally of Ballots. The Clerk of Court will retain all original ballots and their envelopes and make copies thereof. Each ballot and envelope will be stamped and numbered. By December 21, 2018, the Clerk of Court shall certify and file a tally of ballots, attaching copies of the ballots. The tally shall indicate, for each class of claims, the votes for and against the plan, and the total dollar amounts and percentages of the voted claims. The Clerk of Court shall bring the original ballots to the confirmation hearing. The Clerk of Court shall make all received

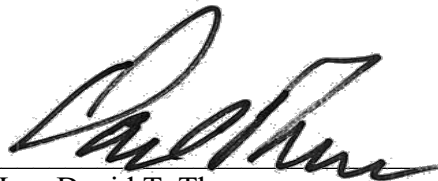
ballots available for inspection during regular business hours.

5. Final Hearing. On January 31, 2019, the Court will hold a final hearing to consider confirmation of the plan in the Brazos Courtroom, 5th floor, Pete V. Dominici United States Courthouse, 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102. Two days have been set aside for the hearing.

6. Exhibits. No later than January 21, 2019, any party wishing to participate in the final confirmation hearing shall file and serve a list of exhibits, and shall exchange exhibits. Parties shall provide three copies of the exhibits to Chambers (one for the Court, one for the Court's law clerk, and one for the witness) prior to the hearing. The Debtor's exhibits are to be marked with letters, and the other parties' exhibits with numbers (e.g. Trustees 1, UCC 1, etc.). Each page of any multiple-page exhibit shall be numbered. Exhibits shall be accompanied by a list of the exhibits by number or letter and a brief description or name of each exhibit. If a party intends to offer more than five exhibits, then the exhibits shall be tabbed and bound by three-ring binders or some similar binding. Any counsel requiring authentication of an exhibit must so notify in writing the offering counsel within seven days before the final hearing date. The Court generally will exclude exhibits not exchanged as required, other than rebuttal exhibits. The parties shall be prepared to notify the Court at the beginning of the hearing which exhibits can be admitted into evidence by stipulation.

7. Witnesses. No later than 10 days before the final hearing date, the parties shall file and serve witness lists of persons the party expects to call to testify at the final hearing. The Court may exclude from testifying any witnesses not listed, other than rebuttal witnesses.

8. Deadline to Object to Discharge. January 31, 2019 is set as the deadline for filing complaints objecting to discharge of the debtor.



Hon. David T. Thuma
United States Bankruptcy Judge

Entered: November 15, 2018

Copies to: counsel of record:

Note: Inquiries regarding this order and notice should be directed to the UCC's counsel: Thomas D. Walker, 500 Marquette Ave., NW, Suite 650, Albuquerque, NM 87102; tel. no. 505-766-9272.